

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

Your Committee on **Technology, Research and Development**, to which was referred
Senate Bill 551, has had the same under consideration and begs leave to report the same
back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.47-2006,
- 4 SECTION 2, AS AMENDED BY P.L.91-2006, SECTION 2, AND AS
- 5 AMENDED BY P.L.123-2006, SECTION 12, IS CORRECTED AND
- 6 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 7 PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action
- 8 resulting in any of the following rules:
- 9 (1) An order adopted by the commissioner of the Indiana
- 10 department of transportation under IC 9-20-1-3(d) or
- 11 IC 9-21-4-7(a) and designated by the commissioner as an
- 12 emergency rule.
- 13 (2) An action taken by the director of the department of natural
- 14 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 15 (3) An emergency temporary standard adopted by the
- 16 occupational safety standards commission under

- 1 IC 22-8-1.1-16.1.
- 2 (4) An emergency rule adopted by the solid waste management
- 3 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 4 (5) A rule, other than a rule described in subdivision (6), adopted
- 5 by the department of financial institutions under IC 24-4.5-6-107
- 6 and declared necessary to meet an emergency.
- 7 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 8 department of financial institutions and declared necessary to
- 9 meet an emergency under IC 24-4.5-6-107.
- 10 (7) A rule adopted by the Indiana utility regulatory commission to
- 11 address an emergency under IC 8-1-2-113.
- 12 (8) An emergency rule adopted by the state lottery commission
- 13 under IC 4-30-3-9.
- 14 (9) A rule adopted under IC 16-19-3-5 that the executive board of
- 15 the state department of health declares is necessary to meet an
- 16 emergency.
- 17 (10) An emergency rule adopted by the Indiana finance authority
- 18 under IC 8-21-12.
- 19 (11) An emergency rule adopted by the insurance commissioner
- 20 under IC 27-1-23-7.
- 21 (12) An emergency rule adopted by the Indiana horse racing
- 22 commission under IC 4-31-3-9.
- 23 (13) An emergency rule adopted by the air pollution control
- 24 board, the solid waste management board, or the water pollution
- 25 control board under IC 13-15-4-10(4) or to comply with a
- 26 deadline required by federal law, provided:
- 27 (A) the variance procedures are included in the rules; and
- 28 (B) permits or licenses granted during the period the
- 29 emergency rule is in effect are reviewed after the emergency
- 30 rule expires.
- 31 (14) An emergency rule adopted by the Indiana election
- 32 commission under IC 3-6-4.1-14.
- 33 (15) An emergency rule adopted by the department of natural
- 34 resources under IC 14-10-2-5.
- 35 (16) An emergency rule adopted by the Indiana gaming
- 36 commission under *IC 4-32.2-3-3(b)*, IC 4-33-4-2, IC 4-33-4-3, or
- 37 IC 4-33-4-14.
- 38 (17) An emergency rule adopted by the alcohol and tobacco

- 1 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
 2 IC 7.1-3-20-24.4.
- 3 (18) An emergency rule adopted by the department of financial
 4 institutions under IC 28-15-11.
- 5 (19) An emergency rule adopted by the office of the secretary of
 6 family and social services under IC 12-8-1-12.
- 7 (20) An emergency rule adopted by the office of the children's
 8 health insurance program under IC 12-17.6-2-11.
- 9 (21) An emergency rule adopted by the office of Medicaid policy
 10 and planning under IC 12-15-41-15.
- 11 (22) An emergency rule adopted by the Indiana state board of
 12 animal health under IC 15-2.1-18-21.
- 13 (23) An emergency rule adopted by the board of directors of the
 14 Indiana education savings authority under IC 21-9-4-7.
- 15 (24) An emergency rule adopted by the Indiana board of tax
 16 review under IC 6-1.1-4-34 **(repealed)**.
- 17 (25) An emergency rule adopted by the department of local
 18 government finance under IC 6-1.1-4-33 **(repealed)**.
- 19 (26) An emergency rule adopted by the boiler and pressure vessel
 20 rules board under IC 22-13-2-8(c).
- 21 (27) An emergency rule adopted by the Indiana board of tax
 22 review under IC 6-1.1-4-37(l) **(repealed)** or an emergency rule
 23 adopted by the department of local government finance under
 24 IC 6-1.1-4-36(j) **(repealed)** or IC 6-1.1-22.5-20.
- 25 (28) An emergency rule adopted by the board of the Indiana
 26 economic development corporation under IC 5-28-5-8.
- 27 (29) A rule adopted by the department of financial institutions
 28 under IC 34-55-10-2.5.
- 29 (30) *A rule adopted by the Indiana finance authority:*
 30 *(A) under IC 8-15.5-7 approving user fees (as defined in*
 31 *IC 8-15.5-2-10) provided for in a public-private agreement*
 32 *under IC 8-15.5;*
 33 *(B) under IC 8-15-2-17.2(a)(10):*
 34 *(i) establishing enforcement procedures; and*
 35 *(ii) making assessments for failure to pay required tolls;*
 36 *(C) under IC 8-15-2-14(a)(3) authorizing the use of and*
 37 *establishing procedures for the implementation of the*
 38 *collection of user fees by electronic or other nonmanual*

1 *means; or*

2 *(D) to make other changes to existing rules related to a toll*
 3 *road project to accommodate the provisions of a*
 4 *public-private agreement under IC 8-15.5.*

5 **(31) An emergency rule adopted by the board of the Indiana**
 6 **health informatics corporation under IC 5-31-5-8.**

7 (b) The following do not apply to rules described in subsection (a):

8 (1) Sections 24 through 36 of this chapter.

9 (2) IC 13-14-9.

10 (c) After a rule described in subsection (a) has been adopted by the
 11 agency, the agency shall submit the rule to the publisher for the
 12 assignment of a document control number. The agency shall submit the
 13 rule in the form required by section 20 of this chapter and with the
 14 documents required by section 21 of this chapter. The publisher shall
 15 determine the ~~number of copies~~ format of the rule and other documents
 16 to be submitted under this subsection.

17 (d) After the document control number has been assigned, the
 18 agency shall submit the rule to the ~~secretary of state~~ publisher for
 19 filing. The agency shall submit the rule in the form required by section
 20 20 of this chapter and with the documents required by section 21 of this
 21 chapter. The ~~secretary of state~~ publisher shall determine the ~~number~~
 22 ~~of copies~~ format of the rule and other documents to be submitted under
 23 this subsection.

24 (e) Subject to section 39 of this chapter, the ~~secretary of state~~
 25 publisher shall:

26 (1) accept the rule for filing; and

27 (2) ~~file stamp and indicate electronically record~~ the date and time
 28 that the rule is accepted. ~~on every duplicate original copy~~
 29 ~~submitted.~~

30 (f) A rule described in subsection (a) takes effect on the latest of the
 31 following dates:

32 (1) The effective date of the statute delegating authority to the
 33 agency to adopt the rule.

34 (2) The date and time that the rule is accepted for filing under
 35 subsection (e).

36 (3) The effective date stated by the adopting agency in the rule.

37 (4) The date of compliance with every requirement established by
 38 law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and~~ (k), *and* (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule."

Page 3, line 14, delete "seven (7)" and insert "**nine (9)**".

Page 3, line 21, delete "Five (5)" and insert "**Seven (7)**".

Page 3, line 21, delete "." and insert ", **of which at least:**

(A) one (1) individual must be a licensed physician who is actively engaged in the practice of medicine; and

(B) one (1) individual must be engaged in the administration

1 **of a hospital licensed under IC 16-21."**

2 Page 6, delete lines 25 through 27, begin a new paragraph and
3 insert:

4 **"Sec. 8. The corporation shall adopt rules under IC 4-22-2 to**
5 **carry out the corporation's duties under this article. The board**
6 **may also adopt emergency rules under IC 4-22-2-37.1 to carry out**
7 **the board's duties under this article."**

8 Page 7, line 5, delete "the private sector" and insert "**nonprofit**
9 **entities"**.

10 Page 7, delete lines 7 through 8, begin a new line block indented
11 and insert:

12 **"(3) All other contributions received by the corporation from**
13 **a nonprofit entity, as long as the nonprofit entity does not**
14 **otherwise have an interest in the decisions of the corporation**
15 **or board."**

16 Page 7, line 16, delete "a gift, donation," and insert "**the**".

17 Page 7, line 17, delete "bequest, devise, or other private sector
18 funding,".

19 Page 7, line 22, delete "private sector" and insert "**nonprofit**
20 **entity"**.

21 Page 7, line 22, delete "funding, gifts,".

22 Page 7, line 23, delete "donations, bequests,".

23 Page 7, line 23, delete ", and devises." and insert ".".

24 Page 10, line 5, delete "from the private sector".

25 Page 10, line 6, delete "." and insert "**from nonprofit entities that**
26 **do not otherwise have an interest in the decisions of the**
27 **corporation or board."**

28 ReNUMBER all SECTIONS consecutively.

(Reference is to SB 551 as printed February 7, 2007.)

and when so amended that said bill do pass.

Representative Reske